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Attorneys for Plaintiff Pebble Limited Partnership

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA**

PEBBLE LIMITED PARTNERSHIP,

Plaintiff,

vs.

ENVIRONMENTAL PROTECTION
AGENCY, *et al.*,

Defendants.

**DECLARATION OF ROGER W.
YOERGES IN SUPPORT OF
PLAINTIFF'S MOTION FOR
EXPEDITED CONSIDERATION OF
PLAINTIFF'S MOTION FOR
EXPEDITED DISCOVERY**

**CIVIL ACTION NO.
3:14-cv-00171 HRH**

1. My name is Roger W. Yoerges. I am a partner with the law firm of Steptoe & Johnson LLP in Washington, DC. I represent Pebble Limited Partnership, Plaintiff in this case.

2. Plaintiff alleges that Defendants (the Environmental Protection Agency and its current Administrator) violated the Federal Advisory Committee Act, 5 U.S.C. App. II § 1 *et seq.* (“FACA”), in the development and execution of EPA’s plan to prohibit or severely restrict mining in the Bristol Bay Watershed pursuant to Section 404(c) of the federal Clean Water Act.

3. On October 22, 2014, Plaintiff filed a Motion for Expedited Discovery, seeking leave to depose Defendant Environmental Protection Agency under Fed. R. Civ. P. 30(b)(6) and to obtain a limited number of documents from EPA prior to the November 24, 2014, hearing on Plaintiff’s Motion for Preliminary Injunction. (Docket Nos. 7, 57.)

4. Local Rule 7.1(f) provides that Defendants must respond to Plaintiff’s Motion for Expedited Discovery within 14 days, which would be November 5, 2014.

5. Even were the Court to grant Plaintiff’s Motion for Expedited Discovery on the day that Defendants’ response would normally be due under the Rules, the parties would have just over two weeks to prepare for and take a Rule 30(b)(6) deposition and analyze the testimony for presentation at the November 24 hearing.

6. Plaintiff asks the Court to rule on the Motion for Expedited Discovery on or before October 31 so that, if the Motion were granted, the parties will have additional time to prepare.

7. On Wednesday, October 22, 2014, I notified counsel for Defendants that Plaintiff intended to (a) file a Motion for Expedited Discovery and (b) seek expedited consideration of that Motion. Defendants promptly responded by stating that they will review the Motion once it is filed but that they anticipate that they will oppose it.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 22, 2014 at Washington, DC.

/s/ Roger W. Yoerges

Roger W. Yoerges

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CERTIFICATE OF SERVICE

I certify that on this 22nd day of October, 2014, I electronically filed a copy of the foregoing using the CM/ECF system, which will electronically serve the attorneys of record in this case.

/s/ Timothy Work